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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (S) No. 2424 of 2007

PETITIONER : Kishore Kumar Kaushik, S/o. Nilkanth Kaushik, Aged about 38 years, Assistant Teacher, Govt. Primary School, Darrabhata, Block Balauda, Distt. Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through the Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)

2. The District Education Officer, District Janjgir-Champa (C.G.)

3. The Block Education Officer, Block Balauda, District Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE NATURE ETC.

Present: Shri Ashwani Shukla, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State / respondents.

ORDER
(Passed on 19th day of April, 2007)

1. Learned counsel appearing for the petitioner as well as for the State/respondents jointly submit that the fact and question of law involved in the present writ petition are the same to that of in **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}, which has been

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disposed of vide order dated 03.04.2006. Learned counsel appearing for the respondents does not controvert the said submission.

2. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (*Gopesh Kumar Verma* **vs.** *The State Govt. of Chhattisgarh and another*) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (*Gopesh Kumar Verma* **vs.** *The State Govt. of Chhattisgarh and another*) (Supra).

3. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired D.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Amit